

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BEIJING AUTOMOTIVE INDUSTRY IMPORT AND	)	
EXPORT CORPORATION,	)	
<i>Plaintiff,</i>	)	
	)	1:13-cv-01850-JMS-DML
vs.	)	
	)	
INDIAN INDUSTRIES, INC. d/b/a ESCALADE	)	
SPORTS and DOES 1-50,	)	
<i>Defendants.</i>	)	

**ORDER**

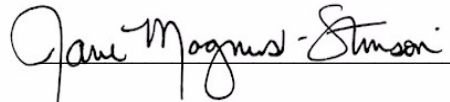
On November 21, 2013, Plaintiff Beijing Automotive Industry Import and Export Corporation (“Beijing”) filed a Complaint against Defendants Indian Industries, Inc. d/b/a Escalade Sports (“Escalade”) and Does 1-50. [Dkt. 1.] In the Complaint, Beijing states that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because it is “a Chinese corporation with its principal of business in Beijing, China,” Escalade is “an Indiana corporation with its principal place of business in Evansville, Indiana,” and “the amount in controversy exceeds \$75,000.00, exclusive of costs or interest.” [*Id.* at 1-2, ¶¶ 1-3.]

The Court must independently determine whether proper diversity among the parties exists. *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 533 (7th Cir. 2007). Having reviewed Beijing’s Complaint, the Court cannot assure itself that it can exercise diversity jurisdiction over this matter. Beijing’s allegation that it is “a Chinese corporation with its principal place of business in Beijing, China” does not inform the Court which American business form Beijing most closely resembles. The Seventh Circuit Court of Appeals has said such information is required to adequately address whether diversity jurisdiction exists. *See Global Dairy Solutions Pty Ltd. v. BouMatic LLC*, 2013 WL 1767964, at \*1 n.1 (7th Cir. 2013) (analyzing the citizenship of the

foreign corporation based on which American business form the foreign company most closely resembles) (citing *White Pearl Invesiones S.A. (Uruguay) v. Cemusa, Inc.*, 647 F.3d 684 (7th Cir. 2011)). Therefore, Beijing must amend its Complaint to properly allege its citizenship in conformity with *Global Dairy* and *White Pearl*.

**For this reason, the Court ORDERS Beijing to file an amended complaint that properly pleads diversity jurisdiction by December 20, 2013. Escalade need not answer the Complaint, [dkt. 1], but shall answer or otherwise respond to any amended complaint within the time period prescribed by the Federal Rules of Civil Procedure.**

12/10/2013

A handwritten signature in black ink, reading "Jane Magnus-Stinson". The signature is written in a cursive, flowing style.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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